

1 Timothy S. Noon, Esq. (SBN 166193)
Kathy J. Steinman, Esq. (SBN 221344)
2 NOON & ASSOCIATES, APC
501 W. Broadway, Ste. 710
3 San Diego, CA 92101
Telephone: (619) 235-6200
4 Facsimile: (619) 235-6233

5 Attorneys for Plaintiff GLOBAL TECHNICAL SEARCH, INC.
dba GLOBAL SEARCH
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
10

11 GLOBAL TECHNICAL SEARCH, INC. dba
GLOBAL SEARCH, a California Corporation,

12 Plaintiff,

13 v.
14

15 LELAND JACOBSEN, an individual; and
DOES 1 through 25, inclusive,

16 Defendants.
17

Case No. 3:08-cv-00424-BEN-BLM

**DECLARATION OF LINDA
RUTHERFORD IN SUPPORT OF
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFF GLOBAL TECHNICAL
SEARCH, INC. dba GLOBAL SEARCH'S
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND MOTION
FOR PRELIMINARY INJUNCTION**

18
19 I, Linda Rutherford, declare as follows:

20 1. I am an Independent National Associate with GLOBAL TECHNICAL
21 SEARCH, INC. dba GLOBAL SEARCH ("GLOBAL SEARCH"). Unless stated as relying
22 on information and belief, the facts contained in this declaration are based on personal
23 knowledge, and if called to testify, I could and would do so competently thereto.

24 2. I have been employed with GLOBAL SEARCH as an Independent National
25 Associate for 7 months. GLOBAL SEARCH offers services in candidate recruitment and
26 placement specializing in the area of engineering and other similar disciplines.

27 3. In November 2007 through December 2007, I had several conversations with
28 LELAND JACOBSEN. At the time of these conversations, Mr. JACOBSEN was also an

1 Independent National Associate with GLOBAL SEARCH. Mr. JACOBSEN informed me
2 during one or more of these conversations that he intended to leave his employment with
3 GLOBAL SEARCH and start his own candidate recruitment and placement firm.

4 4. In late December 2007, Mr. JACOBSEN informed me that he had just had
5 phone lines installed at his house, that he intended to download the database containing
6 candidate and client information from GLOBAL SEARCH's computers, and that he would be
7 starting his own firm and not returning to work for GLOBAL SEARCH.

8 5. GLOBAL SEARCH uses the ACT! software system to manage and store its
9 confidential and proprietary information in its employment recruiting business. This
10 confidential and proprietary information contained in the ACT! database includes, but is not
11 limited to, the candidate list and contact information and the employer-client list and contact
12 information. Employees input information into the ACT! software program and use the
13 database to match potential employment candidates to prospective employers in GLOBAL
14 SEARCH's recruitment business.

15 6. As an employee of GLOBAL SEARCH, I have access to and use the ACT!
16 database to perform my duties. I am aware of GLOBAL SEARCH's policies regarding its
17 confidential and proprietary information. Specifically, I am aware of GLOBAL SEARCH's
18 policy that employees are not to take any of GLOBAL SEARCH's confidential and
19 proprietary information upon termination and that employees are not allowed to disclose this
20 confidential and proprietary information.

21 7. My desk at GLOBAL SEARCH was next to Mr. JACOBSEN's desk. On
22 January 2, 2008, Mr. JACOBSEN came in to work early and stayed late.

23 8. On January 3, 2008, I informed Michael Burnett, my supervisor at GLOBAL
24 SEARCH, that I believed that Mr. JACOBSEN was going to download the database from
25 GLOBAL SEARCH's computers. Mr. JACOBSEN did not come in to work that day.

26 9. I am informed and believe that Mr. JACOBSEN downloaded information from
27 the ACT! database on January 2, 2008.

28 ///

1
2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct, and that this declaration was executed on this 3rd day of March
4 2008 at Carlsbad, California.

5 
6 Linda Rutherford
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28